

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

TODD CRANOR,

Plaintiff,

vs.

BLUESTEM BRANDS, INC. d/b/a
FINGERHUT,

Defendant.

CIVIL ACTION NO. _____

[formerly in the Court of Common Pleas of
Centre County, Pennsylvania – Case No.
2015-3587]

NOTICE OF REMOVAL OF CIVIL ACTION

Defendant Bluestem Brands, Inc. (“Bluestem”), by its undersigned attorneys, hereby files a Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, and states as follows:

1. On September 10, 2015 Plaintiff Todd Cranor (“Plaintiff”) filed a Complaint in the Court of Common Pleas, Centre County, Pennsylvania entitled *Todd Cranor v. Bluestem Brands, Inc. d/b/a Fingerhut*, Case No. 2015-3587 (the “State Court Action”). A true and correct copy of the Complaint, along with copies of all process, pleadings, and orders received by Defendant in the State Court Action, is attached hereto as Exhibit A.

2. In his Complaint, Plaintiff alleges that Defendant violated the Telephone Consumer Protection Act, 47 U.S.C § 227, *et seq.* (“TCPA”).

3. Bluestem was served with the Complaint on September 21, 2015.

4. Pursuant to 28 U.S.C. § 1446(b), “[t]he notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of the initial pleading setting forth the claim for relief upon which such action or proceeding is based” 28 U.S.C. § 1446(b).

5. Bluestem files this Notice of Removal within thirty days of receiving a copy of the Complaint.

6. 28 U.S.C. § 1331 provides that “district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

7. In his Complaint, Plaintiff alleges that Defendant violated the TCPA. (*See* Complaint at ¶ 1.)

8. The TCPA was created by, and arises under, federal law. Accordingly, this District Court has jurisdiction over Plaintiff’s TCPA claim.

9. Removal of this case is proper under 28 U.S.C. § 1441(a), which provides, in pertinent part, that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the U.S. District Court for the Middle District of Pennsylvania is the federal judicial district embracing the Court of Common Pleas of Centre County, Pennsylvania where the State Court Action was originally filed.

11. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders received by Defendant are attached hereto as Exhibit A.

12. Removal is timely under 28 U.S.C. § 1446(b) because this Notice of Removal is being filed within thirty days from the date the complaint was received by Bluestem.

13. This case is not precluded from being removed under 28 U.S.C. § 1445 because: (a) it is not brought against a railroad or its receivers or trustees, arising under 45 U.S.C. § 51–54, 55–60; (b) it is not brought against a carrier or its receivers or trustees to recover damages for delay, loss or injury of shipments arising under section 11706 or 14706 of title 49; (c) it does not arise under the workmen’s compensation laws; and (d) it does not arise under Section 40302 of the Violence Against Women Act of 1994.

14. In accordance with 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be promptly filed with the Court of Common Pleas, Centre County, and served upon Plaintiff’s counsel. A copy of the notice to be filed with the state court is attached hereto as Exhibit B.

WHEREFORE, Defendant Bluestem Brands, Inc. respectfully requests that the above-captioned action now pending in the Court of Common Pleas, Centre County, Pennsylvania be removed to the United States District Court for the Middle District of Pennsylvania and that this District Court enter such other and further orders as may be necessary to accomplish the requested removal.

Dated: October 9, 2015

Respectfully submitted,

/s/ Laura A. Lange
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Attorneys for Defendant Bluestem Brands, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served upon the following counsel of record via U.S. First Class mail, postage prepaid, this 9th day of October, 2015:

Brett Freeman, Esq.
Sabatini Law Firm, LLC
216 N. Blakely Street
Dunmore, PA 18512

_____/s/ Laura A. Lange